

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN J. FIERO and FIERO BROTHERS, INC.,	X	
	X	
Plaintiffs,	X	
	X	
-against-	X	Case No. 08-CV-1298 VM
	X	
FINANCIAL INDUSTRY REGULATORY	X	NOTICE OF MOTION
AUTHORITY, INC.,	X	TO DISMISS COMPLAINT
	X	
Defendant.	X	
-----	X	

PLEASE TAKE NOTICE that, upon the Memorandum of Law and attached Exhibits submitted herewith, defendant Financial Industry Regulatory Authority, Inc. ("FINRA"), by its undersigned counsel, will, and hereby do, move before the Honorable Victor Marrero for an Order, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, to dismiss the Complaint in its entirety. Oral argument upon this Motion will take place at a date and time to be determined by the Court.

Dated: August 4, 2008
Washington, D.C.

FINANCIAL INDUSTRY REGULATORY
AUTHORITY, INC.

/s/ Terri L. Reicher
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CERTIFICATE OF SERVICE

This is to certify that, pursuant to Rule 5 of the Federal Rules of Civil Procedure, on August 4, 2008, copies of Defendant Financial Industry Regulatory Authority, Inc.'s Notice of Motion to Dismiss Complaint, Memorandum of Law and attached exhibits were served on all counsel of record via electronic filing.

/s/ Terri L. Reicher

Terri L. Reicher